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09/478,796	01/07/2000	NAREN CHAGANTI	PSCO-005	2169

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EXAMINER
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DARROW, JUSTIN T

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/478,796

Applicant(s)

CHAGANTI ET AL.

Examiner

Justin T. Darrow

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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 06 November 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-5,7-11,14-24,26-30 and 44-47 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5,7-11,14-24,26-30 and 44-47 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 07 January 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 29,31.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-43 have been presented for examination. Claims 1-6 have been originally filed 01/07/2000. Claim 1 has been amended, claim 6 has been canceled, and new claims 7-30 have been added in an amendment filed 05/19/2000. Claims 1, 5, 14, 19, 22, 23, and 25-30 have been amended and new claims 31-43 have been added in an amendment filed 11/13/2000. Claims 31-43 have been canceled in an amendment filed 02/21/2001. Claims 1-4, 7-11, 18, 23, and 26-30 have been amended; claims 12, 13, and 25 have been canceled; and new claims 44-47 have been added in an amendment filed 11/06/2002. Claims 1-5, 7-11, 14-24, 26-30, and 44-47 have been examined.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-5, 7-11, 14-24, 26-30, and 44-47 have been considered but are moot in view of the new grounds of rejection.

### *Drawings*

3. The drawings filed on 01/07/2000 are acceptable as indicated on the "Notice of Draftperson's Patent Drawing Review," PTO-948, attached to Paper No. 26.

### *Claim Objections*

3. Claim 15 is objected to because of the following informality:  
after "information" in line 6, insert - -to--.  
Appropriate correction is required.

4. Claim 23 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 22.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-5, 7-11, 14-24, and 44-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the user's" in line 11. There is insufficient antecedent basis for this limitation in the claim. This rejection can be overcome by deleting "user's" in line 11 and replacing with --first party's--.

7. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "the requester" in line 2. There is insufficient antecedent basis for this limitation in the claim. This rejection can be overcome by deleting "requester" in lines 2 and replacing with --second party--.

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8. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "the requester" in line 2. There is insufficient antecedent basis for this limitation in the claim. This rejection can be overcome by deleting "requester" in lines 2 and replacing with --second party--.

9. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "the requester" in line 2. There is insufficient antecedent basis for this limitation in the claim. This rejection can be overcome by deleting "requester" in lines 2 and replacing with --second party--.

10. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 recites the limitation "second security clearance level" in lines 12 and 13-14. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "the first security clearance level" in lines 13. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

12. Claims 1-3, 5, 7-11, 14-16, 18-24, 26-30, 44, 45, and 47 are rejected under 35 U.S.C. 102(e) as being clearly anticipate by Ho, U.S. Patent No. 6,148,342 A.

As per claim 1, Ho illustrates a method for automatically disbursing a first party's personal information, comprising: a data request database performing a requested operation on records keyed to a subject internal identifier (see column 4, lines 38-58 and figure 1, items 152, 157, and 140); identifiers assigned to the subject (see column 3, lines 4-6; figure 1, item 120; and column 4, lines 23-26 and figure 1, item 140); a first subdata packet containing a user I.D. with information on the user (see column 2, lines 61-67; column 3, lines 1-4; and figure 1, item 118); data for lookup in an access level table to determine the user's approved access level in relation to the individual identified in the subject I.D. section (see column 4, lines 2-6 and figure 1, items

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118, 132, and 120); the data request database determining if the user access level is sufficient to perform the type of data access requested in a data access request upon the records corresponding to the subject internal identifier (see column 4, lines 51-58 and figure 1, items 152, 118, 132, 136, 144, 157, and 140); the receiving a data packet including a data access request and a subject internal identifier (see column 4, lines 21-26 and figure 1, items 128, 148, 124, and 140); the data request database receiving the data packet (see column 4, lines 38-39 and figure 1, items 152 and 148) and determining if the user access level is sufficient to perform the type of data access requested in the data access request upon the records corresponding to the subject internal identifier (see column 4, lines 51-54 and figure 1, items 152, 124, and 140); if the user has an appropriate user access level, the data request database performing an operation upon the records keyed to the subject internal identifier (see column 4, lines 54-58 and figure 1, items 152, 157, 140, and 144) including retrieving laboratory results from a table of data records (see column 5, lines 12-17 and figure 1, items 152 and 157); and sending a result of the data operation to a user at the source terminal either over a secured line or encrypted (see column 5, lines 12-21 and figure 1, items 152 and 104).

As per claim 2, Ho additionally specifies the receiving information from the user including identifying information (see column 2, lines 57-67; column 3, lines 1-5; and figure 1, items 112 and 118) corresponding to an access level (see column 3, lines 63-67); and determining the user's approved access level (see column 4, lines 2-6 and figure 1, items 118, 132, and 136).

As per claim 3, Ho further embodies the transmitting the data packet with user identifying information (see column 5, lines 54-59 and figure 2A, step 208); if the user does not

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form a doctor patient pair with the subject, access is not allowed (see column 6, lines 30-33 and figure 2A, step 230); and notifying the source terminal that the subject information is not available (see column 6, lines 30-33 and figure 2A, step 232).

As per claim 5, Ho then discusses the data request database maintaining a log which records the subject internal I.D. operated upon, the destination to which the requested information was sent, and the source terminal I.D. for auditing (see column 5, lines 30-35 and figure 1, items 152 and 164).

As per claim 7, Ho also describes generating an access level (see column 3, lines 63-67 and figure 1, items 132 and 136); and providing this access level to the source terminal (see figure 1, items 128, 132, and 104).

As per claim 8, Ho next explains generating the access level with an internal identifier identifying the individual or entity (the subject) corresponding to the requested data (see column 3, lines 63-67 and figure 1, items 112, 120, and 124).

As per claim 9, Ho then mentions that the user requesting data, specified by user I.D. is used to identify data for lookup in the access level table and determine the user's approved access level in relation to the individual identified in the subject I.D. section (see column 4, lines 2-6 and figure 1, items 132, 118, and 120).

As per claim 10, Ho additionally elaborates on the user I.D representative of a variety of information (see column 2, lines 63-67; column 3, lines 1-4; and figure 1, item 118) is used to form the access level subsection (see column 3, lines 63-67; column 4, lines 1-6 and 21-26; and figure 1, items 118, 132, and 136).

As per claim 11, Ho moreover shows that access level for the user indicates the access allowances of the user requesting data and the internal identifier identifying the subject corresponding to the requested data (see column 3, lines 63-67 and figure 1, items 118, 120, 124, 132, and 136).

As per claim 14, Ho next embodies the data access request as a doctor adding a progress note to a patient's records (see column 4, lines 11-15) or updating financial information (see column 6, lines 1-4).

As per claim 15, Ho also specifies associating an authorized user access level to the doctor (see column 4, lines 15-17); a first log storing a query occurring at a specific time (see column 5, lines 27-30); and sending a result set of data operations back to the source terminal (see column 13-16 and figure 1, items 152 and 104).

As per claim 16, Ho then suggests that the result set of data operations is sent to the source terminal over a connection between the data request database and the source terminal (see column 5, lines 16-20).

As per claim 18, Ho moreover points out transmitting the requested information encrypted with the public key of the source terminal (see column 6, lines 65-67; column 7, lines 1-3; and figure 2b, blocks 264 and 268).

As per claim 19, Ho elaborates on different kinds of subject information such as last name, first name, middle name, social security number, birth date, birthplace, mother's maiden name, driver's license, street address, e-mail, file number, patient identification number, inmate identification number, account number, or name of company (see column 3, lines 8-13), and x-

ray, lab results, and patent's records (see column 4, lines 11-15), and financial information (see column 6, lines 1-4).

As per claim 20, Ho additionally specifies the source terminal transmitting a data packet including an identifier (see column 3, lines 40-43 and figure 1, items 104, 116, and 112), which serves as a search key to query a database (see column 3, line 67; column 4, lines 1-2; and figure 1, items 112 and 132).

As per claim 21, Ho also embodies determining if the user is a doctor currently treating an identified individual (see column 4, lines 9-11 and figure 1, item 130).

As per claims 22 and 23, Ho then mentions specifies the source terminal transmitting a data packet including an identifier (see column 3, lines 40-43 and figure 1, items 104, 116, and 112), which serves as a search key to query a database (see column 3, line 67; column 4, lines 1-2; and figure 1, items 112 and 132).

As per claim 24, Ho further discusses the data request database maintaining a second log which records the subject internal I.D. operated upon, the destination to which the requested information was sent, the source terminal I.D. and the time at which information was transmitted (see column 5, lines 30-35 and figure 1, items 152, 164, and 104).

As per claim 26, Ho depicts a program storage device readable by a processor embodying a program of instructions to perform secure delivery of a first party's personal information, comprising: a data request database performing a requested operation on records keyed to a subject internal identifier (see column 4, lines 38-58 and figure 1, items 152, 157, and 140); the data request database determining if the user access level is sufficient to perform the type of data access requested in a data access request upon the records corresponding to the subject internal

identifier (see column 4, lines 51-58 and figure 1, items 152, 118, 132, 136, 144, 157, and 140); a source terminal transmitting a data packet including an identifier and a data access request (see column 3, lines 39-42 and figure 1, items 104, 116, 112, and 124), the information contained in the identifier being used to generate an access level indicating access allowances of the user requesting data and an internal subject identifier (see column 3, lines 63-67 and figure 1, items 128 and 112); determining whether the user is a doctor currently treating the subject patient and associating the doctor with a corresponding access level to permit the doctor to review x-ray, lab results, or add a progress note to the patient's records (see column 4, lines 9-15); determining if the user access level is sufficient to perform the type of data access requested in the data access request upon the records corresponding to the subject internal identifier (see column 4, lines 51-58 and figure 1, items 152, 124, and 140); and sending a result set of the data operations back to the source terminal over a secured line or encrypted (see column 5, lines 12-21 and figure 1, items 152, 157, 152, 104, and 144).

As per claim 27, Ho additionally specifies determining the user's approved access level (see column 4, lines 2-6 and figure 1, items 118, 132, and 136) from the identifier serving as a search key to query a database (see column 3, line 67; column 4, lines 1-2; and figure 1, item 112).

As per claim 28, Ho then discusses the data request database maintaining a log which records the subject internal I.D. operated upon, the destination to which the requested information was sent, and the source terminal I.D. for auditing (see column 5, lines 30-35 and figure 1, items 152 and 164).

As per claims 29 and 30, Ho moreover points out the log including the destination to which the requested information was sent and the source terminal I.D. for auditing (see column 5, lines 30-35 and figure 1, items 152 and 164).

As per claim 44, Ho also describes generating an access level (see column 3, lines 63-67 and figure 1, items 132 and 136); providing this access level to the source terminal (see figure 1, items 128, 132, and 104); and using the user I.D representative of a variety of information (see column 2, lines 63-67; column 3, lines 1-4; and figure 1, item 118) to form the access level subsection (see column 3, lines 63-67; column 4, lines 1-6 and 21-26; and figure 1, items 118, 132, and 136).

As per claim 45, Ho then points out that the identifier information serves as a search key to query a database (see column 3, line 67; column 4, lines 1-2 and figure 1, items 112 and 132).

As per claim 47, Ho further mentions that the user requesting data, specified by user I.D. is used to identify data for lookup in the access level table and determine the user's approved access level in relation to the individual identified in the subject I.D. section (see column 4, lines 2-6 and figure 1, items 132, 118, and 120).

#### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho, U.S. Patent No. 6,148,342 A as applied to claim 3 above, and further in view of Smith, U.S. Patent No. 4,956,769 A.

Ho discloses the method for disbursing a first party's personal information of claim 3. However, Ho does not teach designating a second party as a junk requester. Smith describes generating an alarm if a predetermined number of unauthorized requests are detected (see column 6, lines 1-34). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the method of Ho with generating an alarm if a predetermined number of unauthorized attempts are made of Smith to provide a computerized database with security against users attempting fraud (see column 1, lines 24-47).

15. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho, U.S. Patent No. 6,148,342 A as applied to claim 1 above, and further in view of Moozakis, "Internet Printing Takes Hold."

Ho discloses the method for disbursing a first party's personal information of claim 1. However, Ho does not show the Internet Printing Protocol. Moozakis describes IPP as a mechanism for transmission of information directly to a printer for distribution of information (see entire article). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the method of Ho with the IPP of Moozakis an efficient manner for distributing information (see entire article).

16. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho, U.S. Patent No. 6,148,342 A as applied to claim 1 above, and further in view of Rozen et al., U.S. Patent No. 6,073,106 A.

Ho discloses the method for disbursing a first party's personal information of claim 1.

Although Ho points out transmitting the requested information encrypted with the public key of the source terminal (see column 6, lines 65-67; column 7, lines 1-3; and figure 2b, blocks 264 and 268), he does not explicitly show using secure E-mail. Rozen describes transmitting information via mail (see column 8, lines 59-65) that is secure (see column 7, lines 37-39). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the method of Ho with the secure E-mail of Rozen to insure integrity and privacy of the information exchange (see column 7, lines 35-39).

#### ***Allowable Subject Matter***

17. Claim 46 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

18. The following is a statement of reasons for the indication of allowable subject matter: Claim 46 is drawn to a method for automatically disbursing a first party's personal information to a receiving party. The closest prior art, Ho, U.S. Patent No. 6,148,342 A, discloses a similar method. Ho describes using the user I.D representative of a variety of information (see column 2, lines 63-67; column 3, lines 1-4; and figure 1, item 118) to form the access level subsection (see column 3, lines 63-67; column 4, lines 1-6 and 21-26; and figure 1, items 118, 132, and 136). However, he neither teaches nor suggests criterion used in encoding an authorization key that indicates the number of times the authorization key can be used by a second party to obtain

access. This composite limitation incorporated into dependent claim 46 renders it to have allowable subject matter.

***Conclusion***

19. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Telephone Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (703) 305-3872 and whose electronic mail address is justin.darrow@uspto.gov. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón, Jr., can be reached at (703) 305-1830.

The fax numbers for Formal or Official faxes to Technology Center 2100 are (703) 305-0040 and (703) 746-7239. Draft or Informal faxes for this Art Unit can also be submitted to (703) 746-7240. In order for a formal paper transmitted by fax to be entered into the application file, the paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal papers for application file entry, such as amendments adding claims, extensions of time, and statutory disclaimers for which fees must be charged before entry, must be transmitted with an authorization to charge a deposit account to cover such fees. It is also recommended that the cover sheet for the fax of a formal paper have printed "**OFFICIAL FAX**". Formal papers transmitted by fax usually require three business days for entry into the application file and consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to (703) 746-7238 for expedited entry into the application file. It is further recommended that the cover sheet for the fax containing an amendment after final rejection have printed not only "**OFFICIAL FAX**" but also "**AMENDMENT AFTER FINAL**".

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

January 3, 2003

*Justin Barron*  
JUSTIN T. DARRON  
PRIMARY EXAMINER